

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RICHARD RIVERA, LINDA MCLAUGHLIN,  
MELANIE Y. TREADWELL DONAHUE, MARTHA  
GARCIA, GIOVANNA GANGEMI, LAURA ORR,  
VERA DANIELS, ANN HAMILTON O'REILLY,  
MARIELANA DIDOMENICO LATOSA, CYNTHIA  
GONZALEZ, ANNA BIRARDI, NICOLE GARCIA,  
ROSE BISCONTI-GERMANI, RUBY INGRAM,  
JOHN MARCHETTA, MEENA MAKHIJANI, ALBA  
RODRIGUEZ, ROXANNE HARTFIELD, CLETANE  
"CLEO" BAZILE, LINDA SUNDACK, KARINA  
ULLAH, KENNETH DEFAY, LYNDIA ANN ZELL,  
ARLENE MACK, MYRA DELESTON, MINNIE  
KAPOOR, JACQUELINE MORRIS, LINDA  
DIASPARA, MAX PIERROT, MARY MARGARET  
SENTENO-JOSEPH, JOYCE SMIRMAN-JOHNSON,  
GLORIA JEANNITON, JENI D. RYMER,  
MIGDALIA CEPEDA, HERMIA CHANG, GISELLE  
CARSENI-HAVITERS, ANNA MARIA CUPIDO,  
LORNA FARRINGTON, BERDETTE THOMPSON,  
HUIWUANG "KATY" WANG, JAVIER LOPEZ,  
CARLENE BOYD, JANNIE SALCE, LORRAINE  
TITLEY, MARIA G. MONTALVO, LEIGH  
SHAFFER, and ANNA HERRERA,

Plaintiffs,

v.

COMMUNICATION WORKERS OF AMERICA,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, COMMUNICATION WORKERS OF  
AMERICA-INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS PASSENGER SERVICE  
EMPLOYEES ASSOCIATION, a/k/a CWA-IBT  
ASSOCIATION, and JOHN AND JANE DOES 1-20,

Defendants.

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NOT FOR PUBLICATION

**ORDER**  
16-CV-1673 (MKB)

MARGO K. BRODIE, United States District Judge:

Plaintiffs, proceeding *pro se*, filed the above-captioned action against the Communication Workers of America (“CWA”), International Brotherhood of Teamsters (“IBT”), Communication Workers of America–International Brotherhood of Teamsters Passenger Service Employees Association a/k/a CWA–IBT Association (the “CWA–IBT Association”), and John and Jane Does 1–20, alleging breach of the duty of fair representation under the Railway Labor Act, 45 U.S.C. § 151 *et seq.*, and federal common law. (Compl., Docket Entry No. 1.) Plaintiffs filed an Amended Complaint on December 28, 2017. (Am. Compl., Docket Entry No. 99.) On April 11, 2018, Defendants filed a motion to dismiss Plaintiffs’ Amended Complaint. (Defs. Mot. to Dismiss (“Def. Mot.”), Docket Entry No. 103.) By Memorandum and Order dated December 18, 2018, the Court dismissed the Amended Complaint for failure to state a claim, and granted Plaintiffs leave to file a second amended complaint within sixty (60) days (the “December 2018 Decision”). (December 2018 Decision 14, Docket Entry No. 104.) On February 15, 2019, Plaintiff Richard Rivera filed a letter with the Court indicating that he did not anticipate filing a second amended complaint. (Pl. Ltr. dated Feb. 15, 2019, Docket Entry No. 105.) Although it is unclear whether Rivera filed the letter on behalf of all Plaintiffs, even assuming that he did not, more than sixty days have passed and no Plaintiff has filed a second amended complaint.

Accordingly, for the reasons set forth in the December 2018 Decision, the Court dismisses the action. The Court directs the Clerk of Court to enter judgment and close this case.

Dated: May 1, 2019  
Brooklyn, New York

SO ORDERED:

s/ MKB  
MARGO K. BRODIE  
United States District Judge